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## TRIVELLA &amp; FORTE, LLP

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January 10, 2023

Via ECF:

The Honorable Stewart D. Aaron  
 United States District Judge  
 United States District Court  
 Southern District of New York  
 Daniel Patrick Moynihan  
 United States Courthouse  
 500 Pearl St.  
 New York, NY 10007-1312

Request GRANTED. The settlement conference is adjourned to Tuesday, February 21, 2023, at 10:00 a.m. SO ORDERED.

Dated: 1/10/2023

*Stewart D. Aaron*

Re: NYCDCC v. DiMaio Millwork Corp., 22 CV 6416-VSB  
Request to adjourn January 12, 2023 settlement conference

Dear Judge Aaron:

This firm represents the Defendants. The Defendants submit this letter to request an adjournment of the January 12, 2023 settlement conference to one of the following dates: Tuesday, 2/21/23, Wednesday, 2/22/23, Friday, 2/24/23. These dates also work for the Plaintiffs' counsel. This is the first settlement conference adjournment request, except for this office's January 6, 2023 letter motion which was denied without prejudice. January 12, 2023 is the original date of the conference.

Plaintiffs, the Trustees of the New York City District Council of Carpenters Funds ("Funds"), Taft-Hartley trust funds, filed this action against DiMaio Millwork Corp. and its principal Ralph DiMaio to collect alleged delinquencies pursuant to the findings of a payroll audit of the Defendants. On December 24, 2022 the Funds sent a revised audit to the Defendants. The Defendants are working diligently to review the revised audit and are attempting to reconcile it and need the additional time to request and review additional records relating to the audit, for instance shop steward reports for the Defendants' jobs, and speak to the Funds' auditors in an attempt to negotiate a consensus on the delinquency claim. No prejudice to any party results from the adjournment. Adjourning the settlement conference will make the settlement conference more productive when it occurs, since presumably by then both parties will have reviewed the revised audit and narrowed the open issues regarding the audit.

The Honorable Stewart D. Aaron  
January 10, 2023  
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Thank you for the Court's kind attention to this matter. Please notify this office of the Court's decision.

Sincerely,

TRIVELLA & FORTE, LLP

*Christopher Smith*

Christopher Smith

cc:

Virginia & Ambinder, LLP  
40 Broad Street, 7<sup>th</sup> Floor  
New York, New York 10004  
(counsel for the Plaintiffs) (via ECF)